

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VERONICA LISTER,

Plaintiff

v.

ELI LILLY and COMPANY,

Defendant.

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CIVIL ACTION

No. 13-3019

**PLAINTIFF'S COUNSEL RESPONSE
TO THE COURT'S SEPTEMBER 17, 2013 ORDER TO SHOW CAUSE**

NOW COMES undersigned Plaintiff's counsel, T. Matthew Leckman, in response to this Honorable Court's Order, dated September 17, 2013, directing Plaintiff's counsel to show cause why sanctions should not issue as a result of his failure to attend the September 17, 2013, Rule 16 conference, and states and avers as follows:

1. Your undersigned apologizes sincerely to this Court and to Defense counsel for his failure to attend the conference and for wasting the Court's and counsel's time in this regard.
2. Undersigned has already communicated an apology to national counsel for Defendant Eli Lilly and Company, Mr. Michael Imbroscio and Ms. Phyllis Jones of Covington & Burling, with whom undersigned has an ongoing and amicable working relationship in other Cymbalta injury cases filed in other federal district courts.
3. Additionally, undersigned has asked that Defense counsel send him an invoice for their time and costs, so that he can promptly reimburse them for same.
4. By way of explanation, undersigned was in Boston, Massachusetts yesterday, September 17, 2013, for a court hearing in another matter.

5. Undersigned never received any notice of the Rule 16 conference in this case, but instead, learned of the conference only when this Court's chambers called undersigned's office in Conshohocken yesterday and undersigned's staff, in turn, left a voicemail on his cell phone.

6. After returning the call to chambers and upon conferring with his staff, undersigned learned that notice for the hearing went out by ECF notice only.

7. Undersigned searched and re-searched his email account to find the notice, to no avail. On further investigation, and in discussion with the Courtroom Deputy Clerk, Ms. Eileen Adler, the mistake was uncovered: the ECF office had misspelled email addresses for both undersigned and his paralegal, Amanda Davis, respectively, "mleckman@pbattorneys.com" and "adavis@pbattorneys.com" (both missing an "m").

8. With Ms. Adler's gracious assistance, undersigned is advised that the mistake has now been corrected and the correct email addresses – "mleckman@pbmattorneys.com" and "adavis@pbmattorneys.com" – are now on file.

9. Of course, your undersigned accepts responsibility for his failure to attend, for somehow allowing incorrect email addresses to persist in the ECF system, and for the bother and waste endured by this Court and Defense counsel for this mishap.

10. Again, your undersigned apologizes sincerely and will reimburse Defense counsel for their time and costs.

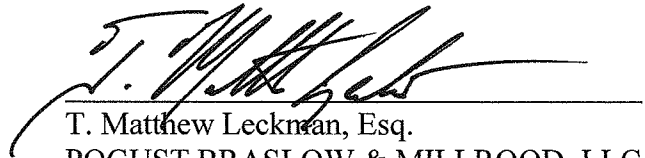
11. Additionally, undersigned will make himself available for whatever course the Court directs to reconvene, supplement, or otherwise complete the Rule 16 conference and its attendant requirements, including submission of the conference information report.

WHEREFORE, undersigned Plaintiff's counsel, T. Matthew Leckman, respectfully requests that this Court accept his apologies and not to issue a sanctions order, as his mistake was

not intentional or in bad faith. Instead, undersigned prays the Court will permit his apology and his promise to pay Defense counsel's fee and costs to end the matter.

Dated: September 18, 2013

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. Matthew Leckman', is written over a horizontal line.

T. Matthew Leckman, Esq.
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